



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, May 11, 2009

*Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn*

*Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Matt Kuhn
Commissioner Steve Mulroy
Commissioner Mike Ritz*

5/8/2009 2:17 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
March 16, 2009

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution honoring Shelby County Commissioner Steven Mulroy, State of Tennessee "Big Brother of the Year." Sponsored by Commissioner J.W. Gibson, II.
2. Resolution commending Flintco Constructive Solutions, Incorporated upon achieving one million man hours without a lost time accident. Sponsored by Commissioner Mike Carpenter.
3. Resolution recognizing Kyle Petty, ServiceMaster Clean and the Participants in the Chick-fil-A Kyle Petty 15th Anniversary Charity Ride Across America. Sponsored by Commissioner Mike Carpenter.

Ordinances

CHISM

Chairman, Law
Enforcement
Committee

4. [ORDINANCE - SECOND READING - An Ordinance by the Shelby County Board of Commissioners to amend Chapter 22, Art. II of the Shelby County Code of Ordinances so as to amend the Shelby County Fire Code. Sponsored by Commissioner Sidney Chism. \(AMENDED IN COMMITTEE 5/6/09\)](#)

RITZ

Chairman, Land Use
Committee

5. [ORDINANCE - FIRST READING - A joint ordinance by the Council of the City of Memphis and the Shelby County Board of Commissioners amending the sign provisions of the Zoning Code of Memphis and Shelby County, adopted by the Shelby County Board of Commissioners on October 6, 1980 and by the Council of the City of Memphis on October 7, 1980, so as to make certain changes as hereinafter set out and establish an effective date therefore. Sponsored by Commissioner Mike Ritz. \(AMENDED IN COMMITTEE 5/6/09\)](#)

FORD

Chairman, General
Government
Committee

6. [ORDINANCE - SECOND READING - An Ordinance to amend the Shelby County Code of Ordinances, Chapter 12, Article II, Section 12-26 to 12-66 relative to the regulation of the Civil Service Merit System. Sponsored by Commissioner Mike Carpenter. \(AMENDED IN COMMITTEE 5/6/09\)](#)

FORD

Chairman, General
Government
Committee

7. [ORDINANCE - FIRST READING - An ordinance to amend the Shelby County Code of Ordinances, Chapter 12, so as to establish non-discrimination provisions regarding sexual orientation or gender identity or expression. Sponsored by Commissioner Steve Mulroy. \(DEFERRED TO 6/1/09\)](#)

Zoning and Subdivisions**RITZ**

Chairman, Land Use
Committee

8. [Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer. a\) Resolution to release the bond that secured the improvements to Shelby Park PD, Phase 2 \(P.D. 03-361 CC\) Sponsored by Commissioner Mike Ritz. \(ADD-ON IN COMMITTEE 5/6/09\)](#)

Reports and/or Resolutions for Standing Committees**GIBSON**

Chairman, Budget and
Finance Committee

9. [Resolution to amend the contract with Business Information Systems to appropriate special revenue funds in the amount of \\$116,748 for equipment maintenance and programming and this item requires the expenditure of special revenue funds in the amount of \\$116,748. Sponsored by Commissioner Mike Ritz.](#)

GIBSON

Chairman, Budget and
Finance Committee

10. A resolution approving an amendment to the FY 2008-2009 Operating Budget for the Shelby County Trustee's Office in the amount of \$164,000 to pay for banking services fees, and this item requires the expenditure of County general operating funds in the amount of \$164,000.00. Sponsored by Chairman Deidre Malone.

BUNKER

Chairman, Public
Works Committee

11. Resolution approving the expenditure of funds by Shelby County Government to Avpol International, LLC for the purchase of gasoline and diesel fuel in the approximate amount of \$1,130,690.00 and this item requires the expenditure of State Gas Tax Funds in the amount of \$1,130,690.00. Sponsored by Commissioner Wyatt Bunker. (WITHDRAWN IN COMMITTEE 5/6/09)

BUNKER

Chairman, Public
Works Committee

12. Resolution approving the expenditure of funds by Shelby County Government to Fullen Dock and Warehouse for limestone products in the approximate amount of \$202,060.00 from July 1, 2009 through June 30, 2010 and this item requires the expenditure of State Gas Tax Funds in the amount Of \$202,060.00. Sponsored by Commissioner Wyatt Bunker.

BUNKER

Chairman, Public
Works Committee

13. Resolution to amend the general fund budget for Fiscal 2009 to provide \$400,000.00 of additional funding to Support Services for utilities. This resolution sponsored by Commissioner Wyatt Bunker.

AVERY

Chairman, Hospitals
and Health Committee

14. A resolution approving an amendment to the FY2008-2009 operating budget of the Public Health Emergency Preparedness grant program increasing the budget by \$263,425 for the provision of public health emergency response in the areas of Emergency Preparedness, Pandemic Services and Cities Readiness Initiative and the appropriation of said funds. This item requires the expenditure of Federal through State grant funds in the amount of \$263,425. Resolution sponsored by Commissioner Joyce Avery.

CHISM

Chairman, Law
Enforcement
Committee

15. A resolution amending the FY09 budget in the amount of \$25,082.00 to allow maximum expenditure of grant funds from a Governor's Highway Safety Office grant previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$25,082.00. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

16. A resolution approving a contract between Shelby County Office of Preparedness and the State of Tennessee, Department of Military, Tennessee Emergency Management Agency in the amount of \$149,000.00 for the Emergency Management Agency(EMA), Emergency Management Performance Grant (EMPG) Program to further strengthen EMA's ability to support emergency management activities and this item requires the acceptance and expenditure of pass through grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \$149,000.00 and amending the FY 2009 Operating Budget. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

17. A resolution to approve the transfer of the weather/emergency siren located on the north side of Davies Plantation Road and St. Phillip Drive, to the City of Bartlett, without monetary consideration, for its continued use, operation and maintenance. Sponsored by Commissioner Sidney Chism.

MULROY

Acting Chairman,
Education Committee

18. Resolution endorsing the concept of retroactive granting of diplomas to high school students who have been denied diplomas due solely to failing the Gateway examination and directing staff to invite the City and County School Boards to provide feedback on this issue. Sponsored by Commissioner Steve Mulroy. (WITHDRAWN IN COMMITTEE 5/6/09)

HARVEY

Chairman, Economic
Development
Committee

19. Resolution approving the FY 2010 budget of the Memphis and Shelby County Center City Commission. Sponsored by Commissioner James Harvey.

HARVEY

Chairman, Economic
Development
Committee

20. Resolution requesting the Shelby County Health, Education and Housing Facility Board, the Memphis and Shelby County Center City Revenue Finance Corporation, and the Memphis and Shelby County Industrial Development Board to adopt policy changes relative to the granting of economic development and requesting the Memphis City Council adopt a resolution to effectuate same as it relates to joint City-County boards. Sponsored by Commissioner Mike Ritz. (DEFERRED TO 6/1/09)

FLINN

Chairman, Community
Services Committee

21. A resolution amending the FY09 Budget in the amount of \$75,000.00 to allow maximum expenditure of grant funds from a Justice Assistance Grant, previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$75,000.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

22. Resolution approving expenditure of federal Head Start funds by Shelby County Government to Kaplan Learning Company for the purchase of educational supplies in the amount of \$96,000.00. Sponsored by Commissioner George Flinn. (AMENDED IN COMMITTEE 5/6/09)

FLINN

Chairman, Community
Services Committee

23. Resolution approving a contract with Southeast Mental Health Center in the amount of \$325,000.00 for the provision of detoxification services, and amending the FY 2009 Operating Budget in the amount of \$108,333.00 for this purpose. Sponsored by Commissioner George Flinn.

KUHN

Chairman, Delinquent
Tax Property
Committee

24. Resolution approving the sale of eleven (11) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 0201, 0206, 0303, 0403 and 0404, to identified purchasers at various prices collectively totaling \$25,700.000, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

KUHN

Chairman, Delinquent
Tax Property
Committee

25. Resolution approving the sale of eleven (11) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0104, 0206, 0402, and 0403, to identified purchasers at various prices collectively totaling \$23,400.000, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

KUHN

Chairman, Delinquent
Tax Property
Committee

26. Resolution approving the sale of seven (7) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 0005, 0201, 0303, 0403, and 0404, to identified purchasers at various prices collectively totaling \$9,900.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored By Commissioner Matt Kuhn

R E G U L A R A G E N D A**Elections, Appointments, and Confirmations****FORD**

Chairman, General
Government
Committee

27. Resolution approving the County Mayor's nomination of Charles A. Wood for reappointment to the Municipal Solid Waste Region Board. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

28. [Resolution approving the County Mayor's nomination of Pearl Lurry, Vance Miller and Lafrederick Self for reappointment to the Shelby County Work Release Board. Sponsored by Commissioner Joe Ford.](#)

Ordinances

FORD

Chairman, General
Government
Committee

29. [ORDINANCE - THIRD READING - An Ordinance to amend the Shelby County Code of Ordinances, Chapter 12.5, Article II, Sections 12.5-51 to 12.5-63, entitled "Code of Ethics." Sponsored by Commissioner Mike Ritz.](#)

FORD

Chairman, General
Government
Committee

30. [ORDINANCE - SECOND READING - An ordinance to amend the Shelby County Code of Ordinances by enacting a new prevailing wage ordinance that requires compliance with prevailing wages and benefits and provides for a means of enforcement, penalties, and sanctions for violations. Sponsored by Commissioner Steve Mulroy.](#)

Zoning and Subdivisions

RITZ

Chairman, Land Use
Committee

31. [CASE NO. U.V. 08-11 CC](#)
APPLICANT: John and Kristina Laiché
LOCATION: West side of Collierville-Arlington Road; immediately north of Mary's Creek
REQUEST: Use variation for office/warehouse for an electrical contractor
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
REJECTION
Memphis and Shelby County Land Use Control Board:
REJECTION
(Notice of public hearing published in the Daily News on Friday, May 1, 2009.)
(AMENDED IN COMMITTEE 5/6/09)

**Reports and/or Resolutions for Standing
Committees**

GIBSON

Chairman, Budget and
Finance Committee

32. Resolution requesting the County Mayor's Administration to include funding for the Southeast Shelby County Library in the County's operating Budget through FY 2012, and to take all necessary action to effectuate same. Sponsored by Commissioner Joe Ford.

GIBSON

Chairman, Budget and
Finance Committee

33. Resolution requiring the layoff of 100 General Fund employees on or before June 30, 2009 in accordance with the Civil Service Merit Act's layoff procedures. Sponsored by Commissioner J. W. Gibson.

AVERY

Chairman, Hospitals
and Health Committee

34. A resolution amending purchase order PO072948 to Vehicle Maintenance Program, Inc originally awarded by seal bid SB I001311A by increasing the purchase amount from \$92,972.50 to \$150,000.00 for the FY 2008-2009 renewal period for the provision of child safety seats to be distributed by the Memphis and Shelby County Health Department, amending the FY2008-2009 operating budget of the City Court Child Safety Seat Fund accordingly, appropriating \$57,027.50 for said purpose, and approving said increase for the FY2009-2010 renewal period. This item requires an additional expenditure of City Court fines funds in the amount of \$57,027.50. Sponsored by Commissioner Joyce Avery. (AMENDED IN COMMITTEE 5/6/09)

MULROY
Chairman,
Conservation
Committee

35. Resolution approving a complaint against mortgage lending institutions who have participated in unlawful, irresponsible, unfair, deceptive, and discriminatory lending practices as required by a resolution adopted as item no. 25 on December 22, 2008; and authorizing the County Mayor to engage outside counsel on a contingency fee basis, to engage a non-profit organization that provides legal services, and to provide in-kind services to, and pay a portion of the reasonable fees, costs and expenses incurred by, said non-profit organization if necessary. Sponsored by Commissioner J. W. Gibson, II. (AMENDED IN COMMITTEE 5/6/09)

Announcements/Statements

36. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Claud O. McCrory, III and Chet A. Kibble, Sr. for reappointment to the Memphis and Shelby County Electrical Code Board. Sponsored by Commissioner Joe Ford.

Adjournment

37. Resolution of adjournment to Monday, June 1, 2009 at 1:30 p.m.